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easy and not a single difficulty has so far arisen. Yet they have been complaining. It is because they were obstinate that this Bill has been brought. It is not as if my obstinacy has been moved by persistence on the other side. Exemption has a different meaning as applied to different things. When beverage wine is referred to, that can be used for beverage purposes and there is nothing intrinsical in the wine preventing it from being used for anything other than beverage. It may be used now for religious purposes and at some other time for other purposes. Permit or authority implies the previous state of things, but for personal reasons it has been removed and priests have been authorised to keep this wine.

"This is not a mere verbal change; there is difference in the attitude of the man who applies for granting these exemptions on application. The 'Authorities' which the officers are bound to give are different from permits which they may or may not give. That is the position: there is no difficulty in the working of the Bill; large quantities of wine may be retained and the chief Bishop may, on his own authority, distribute it to others; all these conveniences have been provided for and there is no interference in these matters at all. Therefore I ask Mr. Saldanha and members of his community to accept this Bill without any mental reservation whatsoever. The Bill meets the requirements of the case in every legitimate manner. I hope the House will accept this Bill without any change." 12-45 p.m.

The motion was put and carried and the Bill was taken into consideration.

MR. PRESIDENT:—"As no notice of amendments has been given, I put clauses 2, 3 and 4 together to the House."

Clauses 2, 3 and 4 were put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I move—

'that the Bill be passed into law'."

The motion was put and carried and the Bill was passed into law.

(3) THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMINT) BILL 1938 (L.A. BILL NO. 19 OF 1938), AS PASSED BY THE ASSEMBLY.

THE HON. SRI B. GOPALA REDDI:—"Sir, I move—

'that the Bill [a] further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for certain purposes (L.A. Bill No. 19 of 1938) as passed by the Assembly be taken into consideration at once.'

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a Printed as Appendix XII on pages 88–90 12 infra.

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" Sir, in moving the motion, I may say that it has been passed by the Assembly without any amendment and without a speech, because it is non-controversial. We have empowered municipalities to take up electrical undertakings. Already about 20 municipalities have undertaken supply and generation of electricity; we have been appointing Electrical Engineers also for the municipalities that have undertaken electrical schemes. We have formed the cadre of Local Bodies Electrical Engineering Service; it was formed in the year 1936; under the present Act, we have been appointing Electrical Engineers; all the same, there is a doubt whether we can appoint Electrical Engineers under section 71 of the District Municipalities Act, because it contemplates the appointment of only Engineers. By straining the section, we have appointed not only ordinary Municipal Engineers but also Electrical Engineers. This Bill seeks to regularize what has been in vogue since the year 1936. By clause 3 of the Bill, we contemplate local bodies undertaking the transmission, production, etc., of electric energy and the Government appointing Electrical Engineers to them. Panchayat boards also are empowered to take up electrical undertakings; there is nothing now to prevent district boards coming forward and taking up electrical undertakings. We give power to the panchayat boards and district boards also to undertake electrical schemes.

" We have taken this opportunity to empower the Government to appoint more than one District Board Engineer and more than one District Panchayat Officer, wherever it is felt necessary. All the district boards have been amalgamated now. For four district boards we have appointed two District Board Engineers each, because the work of the board cannot be managed by one District Board Engineer. So, under clause 3 of the Bill we take power to appoint more than one District Board Engineer and one District Panchayat Officer, wherever it is found necessary. I move that the Bill be taken into consideration at once."

* Sri Rao Bahadur N. R. SAMIAPPA MUDALIYAR:— " Mr. President, it is amusing to note that this Government which have been vehemently protesting that the bifurcation of the district boards by the previous Government had been made without sufficient justification and which have been going apace with the amalgamation of these boards, should immediately after the amalgamation process is completed, admit that they are unwieldy for one District Board Engineer or one District Panchayat Officer. If these boards are unwieldy for these officers, who, after all, have to deal with only one branch of the administration, how do the Government expect one District Board President on whom the responsibility for the entire administration of all the affairs of the Board is statutorily cast, to effectively and efficiently discharge his duties? Is it that the Government intend the Presidents of local

boards to be mere figure-heads, those statutory powers notwithstanding? But this is only by the way. I should like to know, Sir, how this system of two officers of equal status under one board is to be worked in practice. How is the work to be divided between these two officers and who is to do it? Would the division be on a territorial basis, or on the basis of the nature of the work? Are they both to reside in the same place, or are they to have two different headquarters? Are they to be served by the same office, or is each of them to have a separate office of his own? Again what is their responsibility towards the District Board President? These are matters which require elucidation before we can be called upon to give our assent to this proposal. I personally feel that the more efficient system would be to have one District Board Engineer and increase the number of his assistants if necessary. I should, however, not object to this proposal, if the Government would give a satisfactory reply to the questions raised by me."

* SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—" Mr. President, the previous Government bifurcated a number of district boards in this Province. They believed that one district board president could not effectively look after the whole administration of the district board. As a matter of fact, a special officer was appointed to go from district to district, to investigate and find out whether the financial condition of the district board was quite safe and whether the board could be bifurcated. It is only on the strength of the report of the special officer from time to time to the effect that some district boards were strong financially, that those boards were bifurcated. The bifurcated district boards had to sustain great loss by way of heavy administrative expenditure. Sir, immediately after the present Government came to power, they decided that these bifurcated district boards should again be amalgamated. They thought perhaps that if district boards were bifurcated, there would be additional expenditure and waste of funds of district boards. Under this Bill, there is provision for the Government appointing more than one District Board Engineer and one District Panchayat Officer. They think that there are some district boards now whose jurisdiction and nature of work demand and warrant the entertainment of more than one District Board Engineer and District Panchayat Officer. My submission, Mr. President, is that if the nature of the work of the district board demands or warrants the entertainment of two Panchayat Officers and two Engineers, why should not the bifurcated district boards be allowed to remain as they are, because after all the expenditure that may be incurred over and above the cost of two Engineers and two Panchayat Officers, will be negligible? I think the advantages of the bifurcation of such district boards will outweigh the disadvantages; in the interests of the better administration of the district boards, it is but fair to allow the bifurcated district boards to

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continue as such. I do not oppose the proposal of the Government to take power to appoint additional Engineers and Panchayat Officers. What I want to say is that there is no meaning in amalgamating the bifurcated district boards, when you are going to incur additional expenditure by appointing additional Engineers and Panchayat Officers. There are some district boards whose area and nature of work warrant the entertainment of additional Panchayat Officers and Engineers. My proposal is that at least in future, you should not amalgamate the district boards. (The Hon. Sri B. Gopala Reddi: 'All the district boards have been amalgamated.') I understand from the Hon. Minister that all the bifurcated district boards have already been amalgamated. Then I think that principle is wrong. What is the use of amalgamating the district boards, when you are proposing to appoint more Panchayat Officers and additional Engineers. If there is necessity for more district officers, then the Government should not have amalgamated such big and rich district boards.

"Now I would suggest that, instead of having two Engineers and two Panchayat Officers, the Government may have one Engineer and one Panchayat Officer under whom they can have a number of Assistant Engineers and Assistant Panchayat Officers; otherwise there will be confusion. Now you have to divide or bifurcate a district for the sake of distributing work between the two District Board Engineers; some taluks will be under one engineer and the other taluks will be under another engineer. There will be confusion and administrative difficulty.

"Clause 3 of the Bill says that after section 69-B, the following section shall be inserted, namely, 'The Provincial Government may appoint an electrical engineer to any district board or panchayat which has undertaken the generation, transmission or supply of electrical energy.' In view of the fact that the pay of the officer concerned, will be met from the district board funds, it is not known why the Government should have the power of appointing the electrical engineer. I would like to know if the Government are going to bear a portion of the cost of employing the electrical engineer, or if the Government are going to pay to the district board the entire additional cost. If not, I do not know why the Government should have the power of appointing the electrical engineer. If the Government have decided to pay more than half the pay of the electrical engineer, then I can understand the reason. Otherwise, it is not fair that the Government should take such powers in their hands and ask the district board to pay the officer. With these suggestions, Sir, I have no objection to support the Bill before the House."

* MR. D. M. REID:—"Sir, this is essentially a Bill referring to the important subject of the generation, transmission and supply of electricity. It seems to me that two important points arise out

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of this question. The first is the distribution of electricity which must undoubtedly be developed and continue to be developed very largely in so advanced a Province as this; undoubtedly the final control of this important supply must be with Government. The second general principle which I would approve of is that, while the Government should always maintain their adherence to democratic principles, they should never be afraid of departing from them if the general benefit of the people demand it. We should appreciate the action of the Hon. Prime Minister at any time when an occasion of this importance arises, in being prepared to take over greater control of any local body where that is in the better interests of the State. Therefore, on these two points I definitely support the Bill.''

* SRI T. C. SRINIVASA AYYANGAR:—" Sir, I am unable to understand the opposition to have extra officers. I come from a district where there is more than one District Board Engineer, now that the two bifurcated district boards have been amalgamated. There has been a great increase in the mileage of roads and one District Board Engineer is not able to attend. Recently there has been considerable extension of roads in my district; many private individuals and groups of individuals have offered money for the initial building up of new roads to connect main roads and for opening up the interior of the country. In such a case there is ample work for two qualified and superior engineers to supervise the construction of these roads, culverts and other things. There is considerable advantage in having extra energy, so that all the money offered might be immediately utilized. I understand that temporarily an additional District Board Engineer has to be appointed and that he is about to function.

" I understand, Sir, that a temporary additional District Board Engineer is functioning or is about to function in that district. (The Hon. Sri B. Gopala Reddi: ' He is already functioning.') I am very glad to hear it. Similarly, panchayat work has now improved considerably and is gradually expanding and there also more staff may be required to cope with the work. It is neither my opinion, nor is it borne out by hard facts that because in a Collector's office a few more clerks or additional officers may be required it should be a reason that the district collectorate ought to be bifurcated with all the paraphernalia of a separate treasury, a Treasury Deputy Collector and a personal assistant. On the other hand, the amalgamation of the boards and the creation of one board will facilitate the work by bringing together the other heads of the district and there will also be co-operation in the conduct of the work of the district. Even the democratic aspect and training of members will be increased. In certain cases, the number of schools will increase, mileage of roads

will increase and various other questions relating to public health matters will also increase. For the purpose of better supervision over the various activities of the board, it may perhaps be necessary that regional committees may have to be created; and that is by the way. There is no reason to oppose the provisions contained in the Bill. I heartily support it."

* SRI B. NARAYANASWAMI NAYUDU:—" Sir, I rise to speak on only one aspect of the matter, and that is, whether it would be in the interests of the country if the services of the local boards are managed and controlled by orders from the Government. The question is whether all the existing services should continue as they are or should be provincialized. Now, Sir, it is proposed to take over the power of appointment from the local boards into the hands of the Provincial Government, and the question is whether that is a wise policy and ought to be adhered to and continued. To my mind, the Government of India Act was framed purposely for making the services absolutely immune from all interference. The reason for that is that the services should be rendered absolutely free from the control of the elective bodies. I can understand the Government of India Act or the British Parliament making the services practically immune from the control of the elective bodies, but I cannot understand why a national Government should try to extend that principle and add on to what may be called the permanent constitution certain other services, by taking that power from the local bodies to whom they should properly belong and who at any moment may be used for the purpose of what may be termed wrecking the constitution.

" The real question is this: Are these services to be formed into a separate category or will they be included in the Provincial service or Imperial service? It may of course be stated that the services are very loyal now and if the Provincial Government take over the services they will become absolutely loyal to them. I know they will be very loyal and they will be loyal so long as this Government is in power. We have got the old story of Prahlada, where you will find that when Narayana was ruling the world, every one was loyal to him, but when Hiranya Kasipu became the ruler those very people became loyal to Hiranya Kasipu. So, Sir, these services will no doubt be very loyal now, but the moment there is a breakdown and the services are called out, then you will find the true loyalty of the so-called loyal services. They are really the prop of the Government which you are pledged to wreck. If an emergency should arise, they are under whose control? They are under the control of the British Parliament and under the control of His Excellency the Governor and these engineers will automaticaly pass into their hands. Is that what is contemplated, by this measure? Or is it your purpose by

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taking away the powers of the local bodies that you enhance the powers of the administration which you are pledged to be disloyal to? If that is done, I can understand. But my submission is, it is not such a simple matter. Again, Sir, the Public Health Minister is going to introduce a Bill shortly here so that the powers of the local authorities will be divested in the matter of appointment and control of the officers under their control. The result is the local self-government is going to be what is called a provincialized industrial service, so that even the local board services which may be said truly to belong to the people, should form part of the limb of the Government. I submit that is not at all proper.

"Apart from that, now that you are struggling for the freedom of the country, the democratic services ought to be available at any time for the service of the country and ought not to be under the paramount power but under the local authorities. I know the criticism will be made that the local authorities are not using these services properly; but that is another matter. (The Hon. Sri C. Rajagopalachariar: 'That is the matter.') The Hon. the Prime Minister says that that is the matter. The whole question therefore is, whether that is the matter or not. If it is a question of struggling for power, it is not a matter; and if it is a question of training for the better administration of the board, it is the matter. If the question is whether the powers should be in the hands of the local board or they shall go to others, it is absolutely a simple and subsidiary matter and I would even say, it is not at all a matter. I want to know, if the powers are in the hands of the local boards and the engineers are not properly controlled, how is it going to strike at the root of the administration? The Government have always got powers of supervision; and they have got more extensive powers; they can supersede or suppress or even transfer and do such other things; and when such is the case why should the power of appointing these officers also should be given to the Government. If the Government want to exercise their patronage, by all means let them do so, but if it is for any other reason, I think no encroachment on the powers of these local bodies should be allowed. Such a thing should not only not be countenanced but should be opposed."

* THE HON. SRI B. GOPALA REDDI:—"Sir, many issues were raised on this non-controversial matter. The first point raised was whether the Government would be wise in amalgamating district boards, because they themselves admitted that there are some heavy districts. My hon. Friend, Mr. M. Ramakrishna Reddi raised another objection and that is whether the Government are going to pay for these engineers, probably in view of the

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fact that we have got the power of appointing them. Mr. Narayanaswami Nayudu raised a very wide issue, which, I am afraid, is not germane to the present subject.

" Coming first to Mr. Ramakrishna Reddi's objection, I may say that the Government have exercised the power of appointment of District Board Engineers since 1920. Reference was made to all the district boards by the Government and out of 32 district boards, only four were keeping the power in their hands, while the other 28 ask the Government to provincialize their services and make the appointments direct. Again, in respect of the municipalities, about 18 municipalities have now got their electrical engineers all appointed by the Government. As a matter of fact, there is a feeling in the district boards and municipalities that this power should vest in the Government so that they can transfer these officers whenever they are found to be incompetent and slack in their work. I know there are cases where assistant engineers have been continuing in the same division for over 20 years; and the district boards themselves have come to me and said that they wanted that they should be transferred, since they had themselves no power to do so. We are going to frame rules in regard to these matters and I shall certainly bear Mr. Ramakrishna Reddi's objections on this issue in mind. Again, Sir, even District Board Engineers are not paid by the Government. Probably the hon. Member has forgotten the fact that we are paying the salary of these officers from out of the grants that we are giving for trunk roads. Similar is the case with regard to assistant engineers. So, there is no question of the Government paying these officers. In the interests of administration and in the interests of their own officers, it is necessary that these services should be provincialized. As a matter of fact, wherever I go, the employees of municipalities have asked me, 'Why not provincialize our services also? Why not give us transfer now and then, because we rot and rot in the same office for a number of years without any change and we want a change at least once in five years.' That is their demand wherever I have gone. That matter is also under the active consideration of the Government. Moreover, I have been questioned several times in the Assembly as to why I have been delaying or postponing the provincialization of the municipal services. The tendency on the part of the local authorities has been, and it is also in the interests of the municipal employees, that they should be provincialized and given a change whenever it is found that they are undesirable or incompetent in a particular place. The fact that we are seeking to take power to appoint Assistant District Board Engineers, though for a temporary period of three or six months, should not be taken to mean that there should be

two district boards on that score. It is not as if we have one or two officers in a particular district. They may require two establishments, two panchayat officers, two engineers and their establishments duplicated, because there is need for the appointment of additional District Board Engineers. That is only for a temporary period and we have not yet decided whether these four districts should have these engineers permanently. It all depends on the necessity of the work that may arise in the districts. So, the appointment of two engineers should not be the criterion to judge whether a district should be one or bifurcated.

"Again, Sir, if we examine the question of savings to the district board, you will realize that the amalgamation of district boards will be a distinct gain to the district itself. There was also a proposal made that we should keep one District Board Engineer and have more assistant engineers. As a matter of fact, there are assistant engineers whose maximum salary is Rs. 350 or Rs. 400; and under the new scale the pay of the District Board Engineers is Rs. 230. Wherever we appoint additional District Board Engineers, he should necessarily be a junior man on Rs. 230 or Rs. 250; but instead of that if we appoint an assistant engineer on Rs. 350 or Rs. 400, it will be a distinct loss to the district board concerned. Therefore, there is no point in not having power to appoint additional District Board Engineers.

"Sir, the hon. the Leader of the Opposition raised the question as to how these two engineers are going to administer the district. I may say, Sir, that both of them may be in the same office with different territorial jurisdictions and both of them will be equally responsible for the administration of the entire district. I envisage no difficulty in both the engineers remaining in the same office with the same establishment and looking after their respective jurisdictions. We also wish to issue definite instructions that their work should not be overlapped.

"With regard to Mr. Narayanaswami Nayudu's objection, as I have already pointed out at the outset, he has raised a very wide issue and I do not propose to answer that objection at this moment. I, therefore, want that the Bill be taken into consideration at once."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 and 3 were put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

* THE HON. SRI B. GOPALA REDDI :—" I move—
'*that the Bill be passed into law.*' "

The motion was put and carried and the Bill was passed into law.

* * * *

The Council then adjourned to meet again at 11 a.m. the next day.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 1. *G.O. No.* 2070, *Development, dated* 24*th August* 1938, *confirming certain amendments to Rules XV and XXII of the rules issued under the Madras Co-operative Societies Act*, 1932.

* 2. *Supplement to the* Vizagapatam District Gazette *for August* 1938 *containing the scheme report for the settlement in Palkonda Agency, Vizagapatam district.*

*3. *G.O. No.* 2259, *Development, dated* 12*th September* 1938, *confirming an amendment to Rule II of the rules issued under the Madras Co-operative Societies Act*, 1932.

* 4. *G.O. No.* 2288, *Development, dated* 14*th September* 1938, *regarding certain amendments to the Madras Commercial Crops Markets Rules*, 1935.

* 5. *G.O. No.* 390, *Finance, dated* 23*rd November* 1938, *relating to the schedule of authorized further expenditure for* 1938–39, *as authenticated by His Excellency the Governor.*

6. *Return of Officers under the Government of Madras who held permanent, temporary, acting or probationary appointments on the* 1*st April of each of the years* 1924 *to* 1938.

* Circulated by post.